

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

JUSTIN TRUDEAU,	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	Civil Action No. 4:19-cv-00723
	§	
UNIVERSITY OF NORTH TEXAS,	§	
by and through its Board of Regents,	§	
EVE BELL, in her Individual and	§	
Official Capacities; CHRISTINA	§	
BRODIE, in her Individual and	§	
Official Capacities; BRIAN	§	
RICHARDSON, in his Individual	§	
and official Capacity; DAVID	§	
HOLDEMAN, in his Individual and	§	
Official Capacity; and STEVEN	§	
COBB, in his Individual and Official	§	
Capacity,	§	
<i>Defendants.</i>	§	

DEFENDANTS’ UNOPPOSED MOTION TO APPEAR TELEPHONICALLY

Defendants The University of North Texas, Eve Bell in her individual and official capacities, Christina Brodie, in her individual and official capacities, and Brian Richardson, in his official capacity, (collectively “Defendants”), file this Unopposed Motion to Appear Telephonically (the “Motion”). Defendants request that this Court grant this Motion and allow counsel for defendants to appear telephonically for the hearing set July 7, 2020 on Defendants’ Motion to Dismiss Plaintiff’s Second Amended Complaint. In support of this request Defendants state the following:

1. This Court issued an Order (Dkt. 35) setting Defendants' Motion to Dismiss Plaintiff's Second Amended Complaint for hearing on July 7, 2020 at the United States District Court for the Eastern District in Texarkana, Texas. The Motion to Dismiss is fully briefed and is ripe for the Court's consideration.

2. In the recent days, the number of daily confirmed COVID-19 cases in Texas have surged. Hospitalizations due to exposure to the virus are rising, and Governor Abbott and local officials have warned Texans that they should not leave the safety of their homes unless absolutely necessary.¹

3. Due to the risk the pandemic crisis poses to the health and safety of individuals, the Texas Attorney General's Office advised all Assistant Attorneys General that nonessential travel is prohibited. Counsel for Defendants live in Austin, and the roundtrip journey to Texarkana is approximately 12 hours. Accordingly, Defendants' counsel would have to obtain a rental vehicle, make stops at gas stations, and may be required to stay in a hotel for one night. Defendants' counsel are concerned about the health risks to themselves and their family associated with the travel required to appear in person for the scheduled July 7, 2020 hearing.

4. Defendants' counsel discussed the substance of this Motion with Plaintiff's counsel by email on June 23, 2020 and by telephone on June 26, 2020. Plaintiff's counsel does not oppose the relief requested herein. Plaintiff's counsel is also not opposed to conducting the hearing in person if that is what the Court deems

¹ See, e.g., the Texas Tribune, Gov. Greg Abbott recommends Texans stay home as coronavirus cases surge, <https://www.texastribune.org/2020/06/23/texas-coronavirus-greg-abbott-home/> (last visited June 29, 2020).

appropriate.

5. For the reasons stated above, Defendants respectfully request that the Court allow Defendants' counsel to appear telephonically or by other remote means for the hearing set on July 7, 2020.

Respectfully submitted.

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CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of June 2020, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which automatically provided notice to all counsel of record.

/s/ Matthew Bohuslav
MATTHEW BOHUSLAV
Assistant Attorney General

CERTIFICATE OF CONFERENCE

I hereby certify that on June 26, 2020 I complied with the meet and confer requirement in Local Rule CV-7(h) and conferred with Plaintiff's counsel by telephone. He indicated that Plaintiff's counsel does not oppose this Motion. Plaintiff's counsel indicated that he is also not opposed to conducting the hearing in person if that is what the Court deems appropriate.

/s/ Matthew Bohuslav
MATTHEW BOHUSLAV
Assistant Attorney General